



WEB COPY

WP No. 35510 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2026

CORAM

THE HON'BLE MR.JUSTICE K. SURENDER

WP No. 35510 of 2025

and

WMP No.39738 of 2025

Kanchipuram Murugan Silk Handloom Weavers
Co-operative Production and Sales Society Limited,
Rep. By Its The Managing Director, Sathyabama,
No.79, Gandhi Road, Kancheepuram District.

..Petitioner

Vs

A.Muruganandham,
S/o. Arumugam, D.No.110 Nadu Street,
Eaganampettai Village, Walajabad Taluk,
Kancheepuram District.

..Respondent

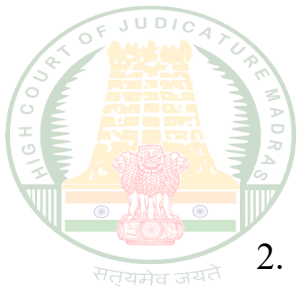
Writ Petition filed under Article 226 of the Constitution of India, praying to issuance of Writ of Certiorari, to call for the records relating to the order dated 24.06.2025 made in I.A. No.01 of 2024 in I.D No.165 of 2023 on the file of the Labour Court, Kanchipuram and quash the same.

For Petitioner : Mr. L.P.Shanmugasundaram

For Respondent : Mr. B.Hari Babu and Mr. Ramdoss

ORDER

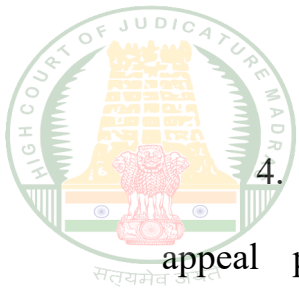
This Writ Petition has been filed challenging the order dated 24.06.2025 passed in I.A.No.01 of 2024 in I.D No.165 of 2023 on the file of the Labour Court, Kanchipuram and to quash the same.



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2. The respondent/workman was proceeded against on allegations of misappropriation of funds. Pursuant to an enquiry conducted under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter referred to as “the Act”), surcharge proceedings, dated 03.09.2021 were initiated under Section 87(1) of the Act, against the respondent/workman. Simultaneously, disciplinary action was also taken against the respondent/workman. It was found in the enquiry that the respondent/workman was responsible for misappropriation of a sum of Rs.34,33,021/-.

3. Admittedly, the respondent/workman without questioning the surcharge order before the jurisdictional District Court, he approached the Labour Court and questioning only the order of dismissal. It is not in dispute that the workman did not challenge the surcharge proceedings before the Labour Court, but only his dismissal. The petitioner/Society filed an Interlocutory Application in I.A.No.1 of 2024 in I.D. No.165 of 2023, seeking dismissal of the industrial dispute itself on the ground that the respondent/workman ought to have challenged surcharge proceedings before the competent jurisdictional district court, and therefore, the industrial dispute was not maintainable.



4. The learned counsel for the petitioner submitted that, once an appeal provision was provided under Section 152 of the Act, the respondent/workman ought to have availed the said remedy and could not have directly approached the Labour Court. Hence, the impugned order is liable to be set aside and the I.D.No.165 of 2023 is liable to be quashed.

5. On the other hand, the learned counsel for the respondent /workman submitted that the respondent/workman has chosen not to question the surcharge order and has questioned only the order of dismissal, for the said reason, when it is not in dispute that the respondent is a workman and that the dispute remedy very much available to him before the Labour Court, he has questioned the dispute before the jurisdictional Labour Court.

6. In support of the above said contention, the learned counsel for the respondent/workman relied upon the decision of the Hon'ble Supreme Court of India, in ***K.A. Annamma v. Secretary, Cochin Cooperative Hospital Society Limited***, particularly paragraph No.68, which reads as follows:-

“68. We also hold that it is the choice of the employee concerned to choose any one forum out of the two forums available to him/her under the two Acts (the KCS Act and the ID Act) to get his/her service dispute decided. It is, however, subject to satisfying the test laid down under the ID Act that the employee concerned is a



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“workman”, the dispute raised by him/her is an “industrial dispute” and the cooperative society (employer) is an “industry” as defined under the ID Act.”

7. It is always open to the Management to approach the Labour Court and agitate their grievances in the industrial dispute filed by the respondent/workman by arguing that the workman did not question the surcharge proceedings, which amounts to an acceptance of the findings recorded therein. However, since the respondent/workman has chosen to challenge only his order of dismissal, the Labour Court has the jurisdiction to entertain the industrial dispute. Therefore, the grievance of the petitioner that the industrial dispute is not maintainable is incorrect.

8. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is also closed.

10-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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K.SURENDER, J.

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